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KING & SPALDING LLP
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SEP 17 2007

OFFICE OF PETITIONS

In re Application of
Kary Mullins
Application No. 10/696,770
Filed: October 29, 2003
Attorney Dkt No.: 13139-0103

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 17, 2007¹ and supplemented on May 21, 2007, to revive the above-identified application.

This above-identified application became abandoned for failure to file a proper reply to a non-final Office Action mailed September 12, 2006. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on December 13, 2006. A Notice of Abandonment was mailed on May 4, 2007.

This petition is hereby **GRANTED**.

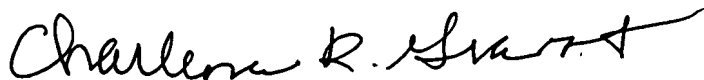
Petitioner submitted a request for a three (3) month extension of time with the instant petition. However, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's six (6) month maximum extendable period expired on June 29, 2006. Petitioner is ineligible for any extensions of time. Thus, the credit card will be credited with the \$510.00 submitted to obtain the three month extension of time. A duplicate petition fee in the amount of \$750 will also be refunded.

The Office hereby acknowledges the receipt of the amendment submitted with the instant petition.

¹The petition submitted on May 17, 2007 was not signed .

This application is being referred to Art Unit 1644 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant", with a stylized flourish at the end.

Charlema R. Grant

Petitions Attorney

Office of Petitions